

**CIVIL SERVICE COMMISSION MINUTES
OCTOBER 4, 2006**

A regular meeting of the Civil Service Commission was held at 2:30 p.m. in Room 358 of the County Administration Building, 1600 Pacific Highway, San Diego, California.

Present were:

Barry I. Newman
Francesca Krauel
W. Dale Bailey
Cheryl Fisher
A.Y. Casillas

Absent was:

None

Comprising a quorum of the Commission

Support Staff Present:

Patt Zamary, Executive Officer
William D. Smith, Senior Deputy County Counsel
Selinda Hurtado-Miller, Reporting

**Approved
Civil Service Commission
November 1, 2006**

COUNTY OF SAN DIEGO
CIVIL SERVICE COMMISSION MINUTES
October 4, 2006

1:45 p.m. CLOSED SESSION: Discussion of Personnel Matters
 and Pending Litigation

2:30 p.m. OPEN SESSION: Room 358, 1600 Pacific Highway, San
 Diego, California

<u>Discussion Items</u>	<u>Continued</u>	<u>Referred</u>	<u>Withdrawn</u>
3,4,6		5	

COMMENTS: Motion by Fisher to approve all items not held for
discussion; seconded by Bailey. Carried.

CLOSED SESSION AGENDA
County Administration Center, Room 400B
(Notice pursuant to Government Code Sec. 54954.2)
Members of the public may be present at this
location to hear the announcement of the
closed session agenda.

A. Commissioner Newman: CONSIDERATION OF PUBLIC
EMPLOYEE DISCIPLINE (GOV. CODE SEC. 54957(b)) Eugene
Senf, Esq., on behalf of **Steven J. Bellizzi**, former
District Attorney Investigator IV, appealing a Final
Order of Dismissal and Removal from County Employment
and Charges from the Office of the District Attorney.

B. Commissioner Krauel: CONSIDERATION OF PUBLIC
EMPLOYEE DISCIPLINE (GOV. CODE SEC. 54957(b)) **Laura
Stevens**, Intermediate Clerk, appealing an Order of Pay
Step Reduction and Charges from the Sheriff's
Department.

OPEN SESSION AGENDA
County Administration Center, Room 358

MINUTES

1. Approval of the Minutes of the regular meeting of September
6, 2006.

Approved.

CONFIRMATION OF REASSIGNMENT

2. Commissioner Casillas: Scott L. Zielinski, Esq., on behalf of **Macario Buenviaje**, former Human Services Specialist, appealing a Final Order of Removal and Charges from the Health and Human Services Agency. (Commissioner Krauel was originally assigned.)

Confirmed.

DISCIPLINES

Findings

3. Commissioner Newman: Eugene Senf, Esq., on behalf of **Steven J. Bellizzi**, former District Attorney Investigator IV, appealing a Final Order of Dismissal and Removal from County Employment and Charges from the Office of the District Attorney.

Prior to the reading of the Findings and Recommendations, Commissioner Krauel stated that for the record she would not be participating in this matter. The employee worked at the courthouse (or his work affects the courthouse) where her husband is also working. She left the meeting room for Agenda Item No. 3.

FINDINGS & RECOMMENDATIONS:

Appellant Steven J. Bellizzi, hereinafter referred to as "Employee," was a District Attorney Investigator IV in the Office of District Attorney's Bureau of Investigations, hereinafter referred to as the "Bureau." He was removed from County employment for misusing the California Law Enforcement Telecommunications System (CLETS) because he provided confidential information on a member of the public to an unauthorized person for an unauthorized purpose. He ran a license plate check for a personal friend for personal reasons unrelated to any business of the Office of District Attorney. The information contained the vehicle owner's name, address and other information. This act violated both California law and Bureau policy, and may have constituted a criminal offense. Additionally, CLETS misuse can result in suspension of agency access. Employee did not dispute the factual allegations. Rather he argued that he did not engage in the conduct for personal gain and therefore that dismissal was too harsh. However, he had signed admonishments regarding the confidentiality of such information and knew, or should have known, the high priority the Bureau placed on the confidentiality of such records. Accordingly, the selected level of discipline was appropriate. Employee is guilty of Cause I, conduct

unbecoming an employee of the County; Cause II, acts that are incompatible with or inimical to being a peace officer employed in the Offices of the District Attorney; and Cause III, failure of good behavior. It is therefore recommended that the Final Order of Dismissal and Removal from County Employment and Charges be affirmed; that the Commission read and file this report; and that the proposed decision shall become effective upon the date of approval by the Civil Service Commission.

Motion by Newman to approve Findings and Recommendations; seconded by Fisher. Carried.

AYES:	Newman, Bailey, Fisher, Casillas
NOES:	None
ABSTENTIONS:	None
ABSENT:	None
NOT PARTICIPATING:	Krauel

4. Commissioner Krauel: **Laura Stevens**, Intermediate Clerk, appealing an Order of Pay Step Reduction and Charges from the Sheriff's Department.

FINDINGS & RECOMMENDATIONS:

At the time the charged conduct is alleged to have occurred, Appellant Laura Stevens, hereinafter referred to as "Employee," was an Intermediate Clerk Typist assigned to the Child Abuse Unit commanded by Lt. Fraser. Employee was under the supervision of Laura Legler. At the Commission hearing, the evidence established that Employee was given a series of direct orders by Lt. Fraser: (a) to refrain from circumventing the chain of command, (b) to refrain from improperly expressing criticism of her supervisor, and (c) to refrain from being disrespectful and discourteous toward her supervisor. The evidence established that, despite a hearing disability, Employee received and understood these orders. Employee nevertheless violated those orders.

Employee did not dispute that the charged conduct occurred. Rather, Employee asserted that her conduct was justified because her supervisor "abused" her. Employee's assertions lacked substance and significance. Employee's conduct detracted from the Department's public safety mission. The misconduct substantially distracted other employees from the performance of their duties, and unjustifiably used a considerable amount of staff time. Employee's personnel record contains a prior letter of reprimand for similar conduct. Accordingly, the pay step reduction of five (5)

days is not excessive. The Department proved Causes I, II (as amended), III, IV, V, VI, and VII. It is therefore recommended that the Order of Pay Step Reduction and Charges be affirmed; that the Commission read and file this report; and that the proposed decision shall become effective upon the date of approval by the Civil Service Commission.

Motion by Krauel to approve findings and recommendations; seconded by Bailey. Carried.

AYES:	Newman, Krauel, Bailey, Fisher, Casillas
NOES:	None
ABSENT:	None
ABSTENTIONS:	None

DISCRIMINATION

Complaints

5. **Leonard King**, Sheriff's Detentions Licensed Vocational Nurse, alleging racial discrimination and retaliation by the Sheriff's Department.

RECOMMENDATION: Assign an Investigating Officer and concurrently appoint the Office of Internal Affairs to conduct an investigation and report back.

Staff recommendation approved. Commissioner Newman assigned.

SELECTION PROCESS

APPEALS

6. **Maurice Grayton**, Applicant, appealing the Department of Human Resources' determination that he is ineligible to compete in the selection process for the classifications of Human Resources Analyst (Generalist and Workers' Compensation Options) and Administrative Analyst II (Generalist, Budget/Fiscal and Contract Options)

RECOMMENDATION: Deny Request

After discussion with Mr. Grayton, the Commission members, and input from DHR, the Commission voted to deny Appellant's Rule X request.

Motion by Bailey to approve staff's recommendation; seconded by Casillas. Carried.

AYES: Krauel, Bailey, Fisher, Casillas
NOES: Newman
ABSENT: None
ABSTENTIONS: None

Prior to the Rule X vote, the Commission discussed Mr. Grayton's indirect request for a Rule VI discrimination investigation.

Motion by Krauel to accept a Rule VI complaint at today's meeting; seconded by Fisher.

Commissioner Newman offered a friendly amendment to Commissioner Krauel's motion that Mr. Grayton craft a formal Rule VI complaint to be submitted (within 60 days of the alleged discriminatory act, or 60 days from when Mr. Grayton first became aware of such alleged act) to the Civil Service Commission, to be placed on the next Commission Agenda (November 1, 2006).

Motion by Newman to accept a Rule VI complaint if timely submitted to the Commission Office. Seconded by Fisher. Carried.

Findings

7. **Bogar Ortiz**, appealing the Department of Human Resources' removal of his name from the employment list for Deputy Sheriff Cadet.

RECOMMENDATION: Ratify. Appellant has been successful in the appellate process provided by Civil Service Rule 4.2.2.

Item No. 7 Ratified.

OTHER MATTERS

Extension of Temporary Appointments

8. Health and Human Services Agency
- 2 Residential Care Worker Trainees (Sipho Rasana & Tamra Slagle)
9. County Library
- 1 Bookmobile Driver (Scott Doell)

RECOMMENDATION: Ratify Item Nos. 8 & 9.

Item Nos. 8 & 9 ratified.

10. Public Input.

ADJOURNED: 3:30 p.m.

NEXT REGULAR MEETING OF THE CIVIL SERVICE COMMISSION:

NOVEMBER 1, 2006